

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-9 are pending in the application and stand rejected.

Claims 1, 2, 5, 6, 8 and 9 have been amended.

Claims 1, 7, 8 and 9 are independent claims.

The Drawings are objected to for being unreadable. Claims 1-6 stand rejected under 35 USC §101 as allegedly not being directed to statutory subject matter. Claim 9 stand rejected under 35 USC §101 as allegedly not being directed to statutory subject matter. Claims 1, 2 and 8 stand rejected under 35 USC §112, second paragraph as being indefinite. Claims 5 and 6 stand rejected under 35 USC §112, first paragraph as allegedly failing to comply with the written description. Claims 5 stands objected to for including informalities. Claim 8 stands rejected under 35 USC §103(a) as being unpatentable over Martins (USP no. 6, 438, 275) in view of Kryukov (USP no. 7, 003, 174).

The Drawings are objected to because they fail to show appropriated contrast and distinct details in figures 3a and 3b and that the replacement sheet provided fails to correct the deficiency noted in the prior Office Action.

Applicant respectfully disagrees with and explicitly traverses the reason for the rejection.

With regard to the subject matter shown in Figures 3a and 3b and the amendment made thereto in applicant's previous submission, applicant submits that the drawings were amended to include the value of the type 1, represented by a "1" in the arrays referred to as "P" in the drawings. The amendment is supported by the specification on page 9, lines 13-24

Fig. 3a illustrates the updating of a reference grid RG from a current spatial grid SG(t). Each grid comprises a certain number of grid rows of the type p equal to 1 for a grid row comprising blocking artefacts of the type p1, shown in grey in Fig. 3, or of the type p equal to 2 for a grid row

comprising blocking artefacts of the type p2 shown in black in Figs. 3. After the update, the current reference grid $RG(t)$ has incremented the confidence indicators of the grid rows which are present in the preceding reference grid $RG(t-1)$ and in the current spatial grid $SG(t)$, has set, to one, the confidence indicators of the grid rows which are solely present in the current spatial grid $SG(t)$, and has decremented the confidence indicators of the grid rows which are solely present in the preceding reference grid $RG(t-1)$, the value of the confidence indicators remaining between 0 and 5 in our example. The grid rows, whose confidence indicator value is lower than a predetermined value S_{conf} equal to 3 in our example, shown in broken lines in Fig. 3a, will not be corrected in the correction step .

The grid lines associated with the type p1 are represented by the gray lines, which are represented by the broken lines and type p2 are represented by black (solid) lines. Hence, the amendments to the arrays P show the inclusion of the value "1" associated with type p1 entries in the corresponding $SG(t)$ and $RG(t)$.

Accordingly, applicant believes that subject matter shown in Figures 3a and 3b, in conjunction with the description of these figures in the written description, would be understood by those skilled in the arts and no new drawings need be provided.

If the Examiner continues to maintain the objection to the drawings, applicant respectfully requests that the objection be held in abeyance until such time a Notice of Allowance is issued and more formal drawings may be provided.

Claims 1-6 stand rejected under 35 USC §101 as allegedly not being directed to statutory subject matter.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in the interest of advancing the prosecution of this matter, applicant has elected to amend the claims in a form consistent with the suggestion provided by the Office Action and supported by the specification.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome.

Claim 9 stands rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter

In maintaining the rejection of claim 9, the Office Action refers to the

specification for teaching "the transmission of the computer program product can be in the form of a downloadable signal which is also non-statutory."

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claim. Claim 9 refers to "[a] computer program product comprising a set of instructions, stored in a programming memory, which, when loaded into a circuit, causes said circuit to perform."

Applicant believes that the rejection of claim 9 is incorrect in that the subject matter claimed refers to a circuit that performs the claimed steps when instructions, which are stored in a programming memory, are loaded into the circuit. The claim is not referring to a signal or other intangible media; but to the circuit that is loaded with the provided instructions.

In addition, while the claims are read in view of the teachings of the specification, the Office Action is impermissibly incorporating the teaching of the specification into the claims in that the Office Action refers to a reading operation that may be performed by means of a communication network. However, applicant submits that reading the programmable memory whether by a locally stored computer-readable medium or a remotely located computer-readable medium via a network are comparable steps and that the reading element is not the subject matter claimed.

Accordingly, applicant believes that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1, 2 and 8 stand rejected under 35 USC §112, second paragraph as being indefinite.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has elected to amend the claims to correct the deficiencies noted.

Applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 5 and 6 stand rejected under 35 USC 112, first paragraph as allegedly failing to comply with the written description.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, applicant has elected to amend the claims to correct the deficiencies noted.

Applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claim 5 stands objected to for containing informalities.

Applicant thanks the Examiner for his observation and has amended claim 5 to correct the deficiency noted.

Applicant submits that the reason for the objection has been overcome and respectfully requests that the objection be withdrawn.

Claim 8 stands rejected under 35 USC §103(a) as being unpatentable over Martins (USP no. 6,438,275) in view of Kryukov (USP no. 7, 003, 174). In rejecting the claims, the Office Action refers to Martins for disclosing the elements of the claims and refers to Kryukov for teaching detecting a spatial grid within a portion of an image.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Martins discloses a system for determining differences between a current frame, a previous frame and a previous/previous frame to determine whether changes in pixels have occurred among the referred to frames. Martins further discloses that pixels within a current frame may be classified as being stationary, moving, covered or uncovered. Stationary pixels are determined to be those pixels that have the same value among the current, previous and previous/previous frames, moving pixels are determined to those pixels that have a different value between a current and a previous frame or a previous frame and a previous/previous frame. Covered pixels are those pixels determined to have a same value between current and previous frames but non-equal values between previous and previous/previous frames. Uncovered pixels are those pixels determined to have a non-equal value between a current and previous frames and equal values between previous and previous/previous frames.

Kryukov discloses a method of reducing artifacts in an image previously

processed by block transform encoding. In rejecting the claims, the Office Action refers to Figure 1 for teaching a comparison of pixels within rows.

A review Figure 1 and Col. 10, line 61-col. 11, line 44, reveals that the pixel P0 denotes any pixel adjacent to a block boundary, P1 denotes any block boundary pixel occupying the outermost position, P2 denotes any pixel adjacent to P1 in from the boundary and P3 denotes a pixel adjacent to P2. Kryukov further discloses determining differences of the pixels as P1-P0 and P2-P3.

However, the pixel calculation disclosed by Kryukov is performed on pixels within a current frame and fails to disclose any calculation regarding pixels between a previous reference grid and a current grid, as is recited in the claims. In addition, Kryukov fails to disclose that the comparison is performed between a current reference grid and a preceding reference grid wherein a number of grid rows differing between the current spatial grid and the preceding reference grid is smaller than one third a number of row in the preceding reference grid. Even if the teachings of Kryukov were to be incorporated into that of Martins, the combined device would not perform pixel comparison among the different grids but would perform the pixel comparison within a grid as is disclosed by Kryukov.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of Martins and Kryukov.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of

Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,
Daniel Piotrowski

Date: March 19, 2009

/Carl A. Giordano/
By: Carl A. Giordano
Attorney for Applicant
Registration No. 41,780

Mail all correspondence to:

Daniel Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9608
Fax: (914) 332-0615

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being

☐ Transmitted by facsimile to 571 273 8300;

☐ Placed with the US Postal Service with First Class postage attached to the address indicated above;
on March ____ 2009.

Print Name

Signature